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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/270,241 03/15/99 KATZ

R 228/022

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LM01/0523

EXAMINER

WOO, S

ART UNIT

PAPER NUMBER

2743

DATE MAILED:

05/23/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Sub ECU 14202290

Office Action Summary

Application No.
09/270,241

Applicant(s)

Katz

Examiner

Stella Woo

Group Art Unit
2743



☒ Responsive to communication(s) filed on Nov 29, 1999 ; Jan 10, 2000 ; Feb 22, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 29-52 and 54-88 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 29, 30, 35-52, and 54-88 is/are allowed.
- ☒ Claim(s) 31-34 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. The terminal disclaimer filed on November 29, 1999 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Pat. No. 4,845,739 has been reviewed and is accepted. The terminal disclaimer has been recorded.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Entenmann et al. (USPN 4,996,705, hereinafter "Entenmann") in view of Troy et al. (USPN 4,689,742, hereinafter "Troy").

Entenmann discloses an analysis control system for controlling order of items (lottery entry) in which the caller's telephone number (as received via ANI; col. 2, lines 54-56) and other caller data (credit card number entered by the customer; col. 2, lines 63-65) are received and tested to determine eligibility (col. 2, line 65 - col. 3, line 4).

Entenmann differs from claims 31-34 in that it does not specify receiving social security number identification data from the caller. However, Troy teaches the desirability of requiring a lottery player's social security number in order to determine eligibility (col. 4, lines 54-60) such that it would have been obvious to an artisan of ordinary skill to incorporate the requirement of a caller's social security number, as taught by Troy, within the lottery system of Entenmann to

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verify that only eligible callers, as identified by their social security numbers, are allowed to play the lottery.

4. Claims 29-30, 35-84 are allowed.

5. Applicant's arguments with respect to claims 31-34 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(703) 308-6306 or (703) 308-6296;


(for formal communications, please mark "EXPEDITED PROCEDURE";

and for informal or draft communications, please label "PROPOSED" or

"DRAFT").

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395 and can normally be reached from 6:30 a.m. until 2:00 p.m. on Monday, Wednesday, Friday, and from 6:30 a.m. until 10:30 a.m. on Tuesday and Thursday.

May 22, 2000



**STELLA WOO
PRIMARY EXAMINER**

6591.EU-14212290